



Paper No. 11

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Applicants: Schneider et al.

Application No.: 08/893,371

Filed: 07/15/97

For: STABLE MICROBUBBLES

SUSPENSIONS INJECTABLE INTO
LIVING ORGANISMS

Accorded Benefit of: European

Patent Application No. 90810262,

filed 04/02/90; PCT Application

No. PCT/EP91/ 00620, filed

04/02/91; and U.S. Application

Nos. 07/775,989, filed 11/20/91,

now U.S. Patent No. 5,271,928,

issued 12/21/93; U.S. Application

No. 08/128,540, filed 09/29/93,

now U.S. Patent No. 5,380,519,

issued 01/10/95; U.S. Application

No. 08/315,347, filed 09/30/94,

now U.S. Patent No. 5,531,980,

issued 07/02/96; U.S. Application

No. 08/456,385, filed 06/01/95,

now U.S. Patent No. 5,658,551,

issued 08/19/97; and U.S. Appli-

cation No. 08/853,936, filed

05/09/97

This case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interference with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR § 1.601 et seq., effective February 11, 1985 (49 Fed.

Interference No. 104,154

Reg. 48,416 (1984); 1050 Off. Gaz. Pat. & Trademark Office 385 (Jan. 29, 1985)), and amendments effective April 21, 1995. See Notice of Final Rule, 60 Fed. Reg. 14,488 (1995), reprinted in 1173 Off. Gaz. Pat. & Trademark Office 36 (Apr. 11, 1995). A clean copy of the interference rules, as amended, appears at 1173 Off. Gaz. Pat. & Trademark Office 384 (Apr. 18, 1995). The interference is designated as No. 104,154.

By direction of the Commissioner of Patents and Trademarks and as required by 35 U.S.C. § 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

Application No. 08/893,371

The cases involved in this interference are:

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Application No.: 08/119,217, filed 10/29/93, now U.S.
Patent No. 5,536,490, issued 07/16/96

For: CONTRAST AGENTS

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Associate Attorney: None

Accorded Benefit of: PCT Application No. PCT/EP92/00715, filed
03/28/92

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Application No.: 08/466,615, filed 06/06/95, now U.S.
Patent No. 5,567,413, issued 10/22/96

For: FLEXIBLE AMPHIPHILIC MICROBUBBLES FOR
ULTRASOUND

Assignee: Nycomed Imaging AS; Oslo, Norway

Attorneys of Record: J. Ernest Kenney, Eugene Mar,
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Associate Attorney: None

Accorded Benefit of: PCT Application No. PCT/EP92/00715, filed
03/28/92; and U.S. Application No.
08/119,217, filed 10/29/93, now U.S.
Patent No. 5,536,490, issued 07/16/96

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Application No.: 08/893,371, filed 07/15/97

For: STABLE MICROBUBBLES SUSPENSIONS INJECTABLE
INTO LIVING ORGANISMS

Assignee: None

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Accorded Benefit of: European Patent Application No. 90810262,
filed 04/02/90; PCT Application No.
PCT/EP91/00620, filed 04/02/91; and U.S.
Application Nos. 07/775,989, filed
11/20/91, now U.S. Patent No. 5,271,928,
issued 12/21/93; U.S. Application No.
08/128,540, filed 09/29/93, now U.S.
Patent No. 5,380,519, issued 01/10/95;
U.S. Application No. 08/315,347, filed
09/30/94, now U.S. Patent No. 5,531,980,
issued 07/02/96; U.S. Application No.
08/456,385, filed 06/01/95, now U.S.
Patent No. 5,658,551, issued 08/19/97; and
U.S. Application No. 08/853,936, filed
05/09/97

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Application No. 08/893,371

Count 1

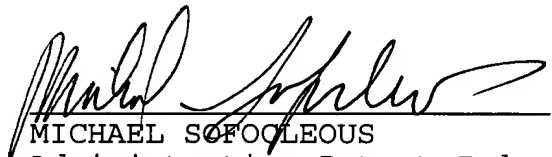
Microbubbles comprising an amphiphilic phospholipid material capable of formation of gas containing microbubbles, said microbubbles comprising a physiologically acceptable fluorine-containing gas;

or

a process of preparing a contrast agent comprising generating said microbubbles.

The claims of the parties which correspond to this court are:

Klaveness et al. (Klaveness '217):	Claims 3-8, 17, 19, 20, 29-32 and 38
Klaveness et al. (Klaveness '615):	Claims 3-10, 19, 20, 23, 24, 33-37 and 44
Schneider et al. (Schneider):	Claims 57-76 and 80


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INTERFERENCE DIGEST

Interference No. 104,154 Paper No. 12
Name, Schneider et al.
Serial No. 08/893,371 Patent No. --None--
Title, STABLE MICROBUBBLES SUSPENSIONS INJECTABLE INTO LIVING
ORGANISMS
Filed, 07/15/97
Interference with Klaveness et al. v. Klaveness et al.

DECISION ON MOTIONS

Administrative Patent Judge, SOFOCLEOUS

~~Randomly Chosen~~

Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.